

### **REMARKS**

Claims 1-10 remain pending in the present application. Claim 2 has been cancelled. Claims 1 and 4 have been amended. Claims 8-10 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 2 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The claims have been amended to overcome the rejections. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawai, et al. (U.S. Pat. No. 6,397,615). Claims 1, 2 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Kawai, et al. (U.S. Pat. No. 6,397,615) and Fusco, et al. (U.S. Pat. No. 6,454,178). Applicants respectfully traverse this rejection.

The limitations of Claim 2 have been incorporated into Claim 1 and thus, Applicants will discuss the rejection of Claim 2 over the teachings of Kawai, et al. and Fusco, et al.

Claim 1, amended with the limitations of Claim 2, defines that when the absence of an occupant is detected, the temperature measurement of the unoccupied seat is

adjusted to be approximately equal to the temperature measurement associated with the occupied seat. The air conditioning control means controls the air conditioning around the unoccupied seat based on this adjusted temperature measurement.

As indicated by the Examiner, the limitations of the last paragraph of Claim 1 (now the second last) are not disclosed in Kawai, et al. The Examiner then looks to Fusco, et al. which teaches a dual zone system controlling unoccupied zones to optimize comfort in the occupied zones.

The problem with Fusco is that it does not teach how it optimizes this comfort. As the specific example for achieving this goal, Fusco, et al. (U.S. Pat. No. 6,454,178) recites that the zone controller (the unoccupied zone controller) 48 for passenger seat (the unoccupied passenger seat) 16 and corresponding climate control outlets 40 would be controlled by the HVAC controller 60 to aid in achieving the desired comfort level as determined by the occupied zone settings of the control interface 50 in column 5, lines 4 to 10. As recited in column 3, lines 37 to 47, these occupied zone settings include the desired temperature of the air flowing through their respective climate control outlets and the arrangement of the climate control outlets as well as whether the air is directed toward the floor of the vehicle or the interior of the vehicle or both. The occupied zone settings also include the fan or blower speed for their respective occupancy zone. Thus, what Fusco, et al. (U.S. Pat. No. 6,454,178) teaches is the controlling of the all unoccupied zones to optimize comfort in the occupied zone by controlling the unoccupied zone controller 48 to aid achieving the desired comfort level as determined by the occupied zone settings, such as the desired temperature of the air flowing through the respective climate control outlets.

Here, the question is which parameter(s) is actually used to control the unoccupied zone controller 48 to aid achieving the desired comfort level. Fusco, et al. (U.S. Pat. No. 6,454,178) is silent about this point and does not mention whether the environment measurements from the occupied zone are used to control the unoccupied zone controller 48. For example, the unoccupied zone controller 48 may possibly be controlled solely based on the output of the corresponding sun load sensor 66 associated with the unoccupied zone and/or based on the measured temperature of the unoccupied zone. Therefore, Fusco, et al. (U.S. Pat. No. 6,454,178) fails to teach the adjusting of the temperature measurement of the unoccupied zone as is defined in amended Claim 1 of the present invention.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Claim 2 has been cancelled and its limitations have been added to Claim 1. Reconsideration of the rejection is respectfully requested.

Claim 4 has been amended to independent form to include the limitations of Claim 1. The discussion above regarding Kawai, et al. and Fusco, et al. applies here also.

According to amended Claim 4, the air conditioning control means adjusts the one of the temperature measurement, the preset temperature and the target discharge air temperature associated with the unoccupied seat in such a manner that the air conditioning around the unoccupied seat is adjusted to the air conditioning which substantially coincides with the air conditioning around the occupied seat. As discussed with reference to Claim 1, Fusco, et al. (U.S. Pat. No. 6,454,178) fails to teach the

specific parameter(s) used in the controlling of the unoccupied zone controller 48 to aid achieving the desired comfort level.

Thus, Applicants believe Claim 4, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJOINDER**

Applicants respectfully request the rejoinder of withdrawn Claims 3 and 5-7.

#### **NEW CLAIMS**

New Claim 8 is an independent claim which is similar to Claim 1 and thus the discussion above regarding Claim 1 applies here also. Claims 9 and 10 are dependent claims which define that the means for independently controlling air conditioning continuously controls the air conditioning around the second seat when the air conditioning around the first seat is controlled. As described in Fusco, et al. in column 5, lines 9-15, the unoccupied seat in Fusco, et al. is turned off to save power when the occupied seat is being controlled. Applicants believe Claims 8-10 read on the elected species.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 9, 2006

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